

TENNESSEE GENERAL ASSEMBLY
FISCAL REVIEW COMMITTEE



FISCAL MEMORANDUM

HB 2691 – SB 2705

March 12, 2018

SUMMARY OF ORIGINAL BILL: Requires any juvenile who is adjudicated delinquent for conduct that would constitute a homicide offense if the offense was committed by an adult, to be committed, at a minimum, to the Department of Children's Services (DCS) for one year or until the juvenile turns 19 years of age, whichever occurs first.

FISCAL IMPACT OF ORIGINAL BILL:

NOT SIGNIFICANT

SUMMARY OF AMENDMENT (014736): Deletes and rewrites all language after the enacting clause such that the only substantive changes are: (1) authorizes a court to order a commitment to DCS of less than 1 year or decline to order a commitment for an adjudicated delinquent juvenile who commits the offense of criminally negligent homicide or reckless homicide; and (2) authorizes a court to extend the term of commitment beyond the one-year minimum for a juvenile who is adjudicated delinquent for conduct that would constitute a homicide offense if the offense was committed by an adult.

FISCAL IMPACT OF BILL WITH PROPOSED AMENDMENT:

Unchanged from the original fiscal note.

Assumptions for the bill as amended:

- Pursuant to Tenn. Code Ann. § 37-1-131, a child found to be delinquent for a homicide offense may receive an order of disposition that includes probation, restitution or commitment to the DCS.
- Passage of this legislation would require the adjudicated delinquent to be committed to DCS for not less than one year or until the juvenile turns 19 years of age.
- Based on information provided by the DCS, juveniles who have committed a homicide are almost always committed to DCS custody until their 19th birthday, or they are transferred to the adult court system.
- Passage of this legislation would not prohibit the transfer of a juvenile to the adult court system for a homicide offense; therefore, no significant increase to the DCS commitment rate for juveniles who commit a homicide offense.

HB 2691 – SB 2705

- Based on information provided by the Administrative Office of the Courts (AOC), this legislation will not result in a significant increase in caseloads to the state and local courts. Any increase in expenditures will be absorbed within existing judicial resources.

CERTIFICATION:

The information contained herein is true and correct to the best of my knowledge.

A handwritten signature in blue ink that reads "Krista M. Lee". The signature is written in a cursive, flowing style.

Krista M. Lee, Executive Director

/vlh